

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**PETER WENDT,**

**Plaintiff,**

**V.**

**TELELOGIC NORTH AMERICA, INC.,**

**Defendant.**

**Case No.**

## Judge

FILED STAMP: JULY 30, 2008

08CV4334

JUDGE LEINENWEBER

MAG. JUDGE KEYS

J. N.

## COMPLAINT

Plaintiff, Peter Wendt, by his attorneys, for his Complaint against Defendant Telelogic North America, Inc., states as follows:

### **Nature of the Action**

1        This is an action pursuant to the Age Discrimination in Employment Act (ADEA), 29 U.S.C. §§ 621-634, *et seq.*, seeking to redress unlawful employment practices on the basis of age. Plaintiff complains that Defendant violated the ADEA by refusing to hire him in favor of a younger, less qualified person.

### **Jurisdiction of Venue**

2. This Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1343. All administrative requirements have been satisfied in that the Plaintiff timely filed a Charge of Discrimination with the EEOC and now timely files this Complaint within ninety (90) days of having received his Notice of Right to Sue from the EEOC. A copy of the Right to Sue Notice is attached hereto as Exhibit A.

3. Venue is proper because the unlawful conduct alleged herein was committed within the boundaries of the United States District Court for the Northern District of Illinois, Eastern Division.

**Parties**

4. Plaintiff Peter Wendt is a 63 year old resident of Cook County, Illinois.

5. Defendant Telelogic North America, Inc. is an “employer” as that term is defined by the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*, is engaged in an industry affecting commerce, and employed more than twenty people during each work week during 2007 and 2008.

6. Plaintiff applied for employment with Defendant to fill the position of Midwest Regional Sales Representative. Plaintiff is a highly experienced salesperson and was qualified to fill the job position of Midwest Regional Sales Representative.

7. On or about February 4, 2008, Defendant informed Plaintiff that he would not be hired for employment by Defendant. Among Defendant’s articulated reasons for not hiring Plaintiff was that Defendant preferred to hire younger, less experienced sales people because such persons are more adaptable to change, more eager to sell, and are more aggressive and dynamic.

8. In Plaintiff’s stead, Defendant hired a younger less qualified employee for the job position of Midwest Regional Sales Representative.

9. Defendant refused to hire Plaintiff for the job position of Midwest Regional Sales Representative because of his age.

10. Defendant’s refusal to hire Plaintiff on account of his age constitutes a material adverse employment action in violation of the ADEA.

11. Defendant’s unlawful actions against Plaintiff have caused Plaintiff to suffer injury and damages

WHEREFORE, Plaintiff prays for entry of judgment in his favor and against Defendant and for all appropriate relief available under the ADEA.

Respectfully submitted,

Dated: July 30, 2008

s/Douglas M. Werman  
Douglas M. Werman  
Maureen A. Bantz  
Werman Law Office, P.C.  
77 W. Washington, Suite 1402  
Chicago, Illinois 60602  
(312) 419-1008

Attorneys for Plaintiff

# EXHIBIT A

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Peter Wendt**  
1098 Horizon Dr.  
Bartlett, IL 60103

From: **Chicago District Office**  
500 West Madison St  
Suite 2800  
Chicago, IL 60661

Certified Mail 7001 1940 0003 8824 2850



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2008-04013

**Gloria M. Mayfield,**  
Investigator

(312) 353-0906

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

**Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA):** This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

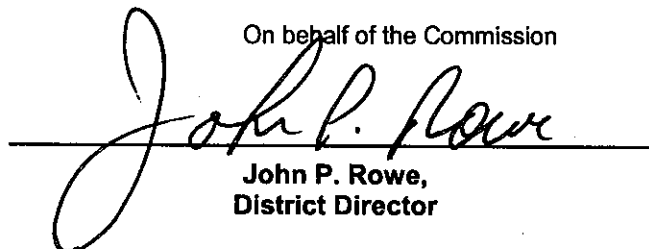


The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
John P. Rowe,  
District Director

7/25/2008  
(Date Mailed)

Enclosures(s)

cc: TELELOGIC NORTH AMERICA, INC.